

**FILED****UNITED STATES DISTRICT COURT** DEC 15 2016

for the

Western District of Texas

United States of America )

v. )

Case No. 4:16-M-2448

\*\*\*SEE ATTACHMENT\*\*\*

CLERK, U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_

DEPUTY

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*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/14/2016 in the county of Reeves County in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 21 USC Section 841 (a)(1) and Title 18 USC (2).      Aided and Abetted by others, Knowingly and Intentionally Possessed with Intent to Distribute Marijuana (Approximately 356.7 pounds/161.8 Kilograms).

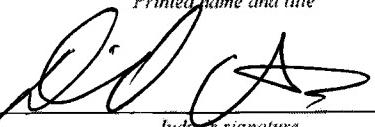
This criminal complaint is based on these facts:

See Attachment:

 Continued on the attached sheet.  
Complainant's signature

Javier Bustamante Jr., TFO

Printed name and title

  
Judge's signature

David Counts, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/15/2016City and state: Alpine, Texas

## ATTACHMENT

### Defendants:

GARCIA, Rodolfo Rivero Jr (1)  
GOMEZ, Jorge Octavio (2)  
OSUNA-Becerra, Angel Raymundo (3)

### FACTS:

On December 13, 2016, United States Border Patrol (USBP) of the Midland Office, Agents Roberto Guajardo and USBP Agent Michael Meyer were conducting highway observation duties near Highway 17 in Balmorhea, Texas. The agents know that Highway 17 is often used by smugglers to transport aliens and narcotics from Marfa and Alpine areas. The agents also know from experience that very often smuggling activity increases during a full moon cycle, which was currently in effect. The agents would then move into position near the highway from which they could observe the passing vehicle without themselves being observed, along Highway 17 toward Balmorhea, Texas.

At approximately 11:15 pm agents observed a white suv pass their position traveling northbound, and they proceeded onto highway 17 in order to follow and observe the vehicle. Records check on the vehicles license plate revealed that the vehicle was registered out of Tyler, Texas. The agents became suspicious because Tyler, Texas is near Dallas, Texas, which the agents know is the destination for much of the smuggling activity in the Marfa and Alpine areas of responsibility. Big Bend sector radio advised the agents that the vehicle had not passed any USBP checkpoints in the area, which the agents found very suspicious.

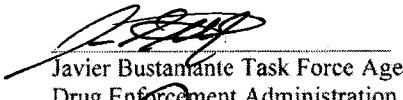
USBP agents of the Midland Office conducted a traffic stop with the 2009 GMC Denali bearing TX plate DX9L228, during the course of making contact to conduct an immigration check of the occupants agents located one undocumented Mexican national and six brown burlap sacks which contained suspected marijuana.

USBP agents apprehended and detained all subjects later identified as GARCIA, Rodolfo Rivero Jr, GOMEZ, Jorge Octavio and OSUNA-Becerra, Angel Raymundo in the vehicle and transported all subjects and suspected brown burlap sacks to the USBP office in Midland, Texas, for further processing. Agents field tested the suspected marijuana, which tested positive for the characteristics of marijuana, The approximate weight of the seizure was 356.7 pounds/ 161.8 kilograms of marijuana.

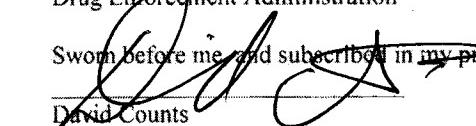
TFO Javier Bustamante and TFO Chris Orona assisted with the investigation, GARCIA, GOMEZ and OSUNA-Becerra were given their Miranda warning and agreed to speak with agents without the presence of an attorney. GARCIA admitted to the smuggling attempt and stated he was doing it for fear of family in Mexico and he was going to be compensated.

GOMEZ also admitted to the smuggling attempt and stated he was going to be paid by GARCIA for accompanying GARCIA to recover the load of marijuana. Garcia also identified OSUNA-Becerra and GARCIA as the sole individuals that placed the large bundles containing marijuana inside GARCIA's vehicle. OSUNA-Becerra stated he had nothing to do with the marijuana but was only getting a ride because he could not walk anymore because he had injured his knee.

All three subjects were released to the custody of TFO's Bustamante and Orona, and were subsequently transferred to the Criminal justice Center in Pecos, Texas.

  
December 15, 2016

Javier Bustamante Task Force Agent  
Drug Enforcement Administration

  
Sworn before me and subscribed in my presence,

David Counts  
United States Magistrate Judge